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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,927	07/13/2006	Masaki Hirohashi	043890-0931	1371

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EXAMINER

ROY, SIKHA

ART UNIT	PAPER NUMBER
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2879

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/585,927	Applicant(s) HIROHASHI ET AL.	
	Examiner Sikha Roy	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-6,8,10,12 and 14 is/are allowed.
- 6) ☒ Claim(s) 7,9,11,13 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>0706</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Preliminary Amendment, filed on March 5, 2008 has been entered and acknowledged by the Examiner.

Cancellation of claim 2 has been entered.

Claims 1, 3-15 are pending in the instant application.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

Claims 7-9 are objected to because of the following informalities:

In claim 7 'second electrode buried in the holder' does not have antecedent basis for 'the holder'. The limitation reciting 'an insulating holder....' should precede this limitation of 'second electrode buried in the holder'.

Claims 8 and 9 depending from claims 1 and 7 respectively recite 'the holders' , there is no antecedent basis for the holders. For continuing examination 'the holders' are interpreted as 'a plurality of holders'.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7, 11 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by EP0948030 to Shimokawa et al.

Regarding claim 7 Shimokawa discloses ((Figs. 1, 32 para [0032], [0067]-[0071]) a discharge lamp comprising an airtight container 1 filled with discharge medium mainly noble gas, a first electrode 4 provided in the air tight container, an insulator transparent holder 5 having the same length as the length of the airtight container and including a penetration hole to which the airtight container is inserted, a second electrode 3 buried in the holder 5 to have a predetermined interval to the airtight container. Shimokawa further discloses a reflective member including an opening through which light is emitted from the container 1 externally provided to the second electrode.

Regarding claim 11 Shimokawa discloses the holder includes an empty section that is provided at a side at which light is emitted from the airtight container 1 and that has a width smaller than the outer diameter of the container.

Regarding claim 15 Shimokawa discloses (para [0022],[0068]) the discharge medium includes xenon gas and a fluorescent medium 2 is layered on the inner circumference of the airtight container.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP0948030 to Shimokawa et al.

Regarding claim 13, Shimokawa discloses the claimed invention except for the limitation of predetermined interval between the second electrode and the container in a range from 0.1 mm to 2.0 mm at the shortest. It has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the interval in the range of 0.1 mm to 2.0 mm so that the lamp provides adequate luminescence with a low operational voltage, thus reducing operational noise, since optimization of workable ranges is considered within the skill of the art.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP0948030 to Shimokawa et al. and further in view of USPN 6,796,678 to Moon.

Regarding claim 9 Shimokawa discloses one holder with opening and corners at a side at which light is emitted from the airtight container is joined. Shimokawa is silent about the plurality of holders arranged to be parallel to one another and corners at a side at which light is emitted from the airtight container are joined.

Moon in same field of endeavor discloses (Figs. 5C, 13) a plurality of holders 42c arranged parallel to each other and parallel airtight containers passing through them

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and plurality of holders are arranged at corners at a side at which light is emitted from the airtight container are joined. Moon teaches this provides simplified assembling of the light emitting device.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify the holder of one airtight container of Shimokawa to plurality of holders arranged parallel to each other and corners at a side at which light is emitted from the airtight container are joined as suggested by Moon for providing a simplified assembly of the light emitting device.

Allowable Subject Matter

Claims 1, 3-6, 8, 10, 12 and 14 are allowed over the prior art of record.

The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 1, and specifically comprising the limitation wherein the holder includes a protrusion at which the second electrode is provided the second electrode including a fitting hole fitted with the protrusion of the holder.

Regarding claims 3-6,8,10,12,14, claims 3-6,8,10,12,14 are allowable for the reasons given in claim 1 because of their dependency status from claim 1.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sikha Roy whose telephone number is (571) 272-2463. The examiner can normally be reached on Monday-Friday 8:00 a.m. – 4:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sikha Roy/

Primary Examiner, Art Unit 2879